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ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

SMITHKLINE BEECHAM CORPORATION)
d/b/a GLAXOSMITHKLINE,)

Plaintiff,)

v.)

ABBOTT LABORATORIES,)

Defendant.)

Case No. C07-5702 (CW)
(Consolidated Cases)

Related per November 19, 2007 Order to
Case No. C04-1511 (CW)

**STIPULATION EXTENDING MOTION
TO COMPEL DEADLINES RELATING
TO CERTAIN FACT DISCOVERY
ISSUES**

1 WHEREAS, the parties completed fact discovery on February 27, 2009, with the exception
2 of certain issues for which this Court has extended the discovery deadline in its Orders dated
3 February 25, 2009 (Dkt. 130), March 13, 2009 (Dkt. 142), March 17, 2009 (Dkt. 147), and March
4 20, 2009 (Dkt. 150);

5 WHEREAS, the current deadline for motions to compel relating to written discovery served
6 in January 2009 by Abbott Laboratories ("Abbott") on GlaxoSmithKline ("GSK"), and by GSK on
7 Abbott, as set out in March 20, 2009 Order, is April 28, 2009;

8 WHEREAS, the current deadline for motions relating to Abbott's Notice of 30(b)(6)
9 Deposition, as set out in the March 20, 2009 Order, is April 28, 2009;

10 WHEREAS, the current deadline for motions to compel relating to certain enumerated
11 potential deficiencies relating to each parties' production of documents, as set forth in the March 20,
12 2009 Order, is April 28, 2009.

13 WHEREAS, the parties are continuing to discuss resolutions to their disputes concerning the
14 discovery referenced herein, and an additional, modest extension will hopefully allow the parties to
15 resolve any disagreements without being forced to seek this Court's intervention;

16 WHEREAS, in light of the Court's March 18, 2009 Order staying this case pending a
17 decision by the panel of the Ninth Circuit Court of Appeals of Abbott's interlocutory appeal in a
18 related case, a brief extension will not affect the other scheduled dates previously set by this Court
19 (including expert discovery, summary judgment, and trial).

20 **IT IS HEREBY STIPULATED AND AGREED:**

21 1. GSK will have until May 8, 2009 to serve any amended responses to interrogatories
22 served in January 2009 by Abbott on GSK. Abbott will likewise have until May 8, 2009 to serve
23 any amended responses to interrogatories served in January 2009 by GSK on Abbott. The parties
24 agree that any motion to compel relating to the parties' responses to these interrogatories shall be
25 filed by May 14, 2009; and that any such motion should be initially filed in the form of a 2-page
26 letter brief before Judge Zimmerman.

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2. Abbott and GSK have each identified potential deficiencies related to the other parties' production of documents set forth in the enumerated topics contained in Joshua Y. Karp's March 10, 2009 letter and Michael Bhargava's March 10, 2009 letter. The parties agree that any motion to compel, or for a protective order, relating to the issues identified in this paragraph shall be filed by May 14, 2009; and that any such motion should be initially filed in the form of a 2-page letter brief before Judge Zimmerman.

3. The parties will continue to work together to attempt to resolve issues concerning Abbott's Notice of 30(b)(6) Deposition and to provide mutually convenient dates for that deposition as soon as possible in May or June 2009. GSK reserves the right to file a motion for protective order as to Abbott's Rule 30(b)(6) deposition notice, and Abbott reserves the right to file a motion to compel on that notice. Any such motion should be initially filed in the form of a 2-page letter brief before Judge Zimmerman on or before May 14, 2009. If GSK files such a motion and Judge Zimmerman allows that deposition to proceed, the parties will work together to provide mutually convenient dates for the GSK witness(es) designated under Rule 30(b)(6) as soon as possible in May or June 2009.

4. Nothing in this stipulation shall expand the parties' rights to seek relief by the Court on any discovery issue, except as set forth herein or in the Court's Orders of February 25, 2009, March 13, 2009, March 17, 2009, and March 20, 2009.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

2
3 /s/ Trevor Stockinger

4 Trevor Stockinger
5 IRELL & MANELLA
6 1800 Avenue of the Stars
7 Suite 900
8 Los Angeles, CA 90067-4276
9 Attorney for GSK

/s/ Stephanie McCallum

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Laboratories

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

11 Dated: 4/29/09



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13 _____
14 Judge Claudia Wilken
15 United States District Court
16 Northern District of California
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GENERAL ORDER 45 ATTESTATION

I, Stephanie S. McCallum, am the ECF User whose ID and password was used to file this STIPULATION EXTENDING MOTION TO COMPEL DEADLINES RELATING TO CERTAIN FACT DISCOVERY ISSUES. In compliance with General Order 45, X.B., I hereby attest that the above counsel, counsel for Plaintiffs, concurred in this filing.

Dated: April 27, 2009

/s/ Stephanie S. McCallum

Stephanie S. McCallum
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Counsel for Defendant

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